

CHAPTER 5

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CHAPTER 5

PARKS AND RECREATION

ARTICLE 1. GENERAL PROVISIONS.

Sec. 5-1 Authority to Operate.¹

The City may establish, aid, maintain, and operate public parks, playgrounds, and recreation facilities and programs.

Sec. 5-2 Department of Parks and Recreations Established.²

(a) There is established a Department of Parks and Recreation to be operated and controlled by the Park and Recreation Board, which Department and which Board shall operate under and be governed by the provisions of *I.C.*, 36-10-3-1 *et seq.* (Ord. No. 83-13, § 1, 9-19-83)

(b) This Department is one of the Executive Departments in the Executive Branch as addressed in Section 2-6 of this *Code*.

Sec. 5-3 Park and Recreation Board.

The Park and Recreation Board shall establish rules governing the use of park and recreation facilities, exercise general supervision of the Department of Parks and Recreation, and carry out all other duties and powers assigned to it by ordinance or statute.

Sec. 5-4 Superintendent of Parks and Recreation.³

(a) The Department of Parks and Recreation shall be headed by a Superintendent who shall carry out all powers and duties granted to him or her by law.⁴

(b) The salary of the Superintendent shall be set by ordinance of the Common Council.

Sec. 5-5 Park Funds.

(a) The Cash Change Funds for the Parks and Recreation Department are addressed in Sec. 2-93 of this *Code*.

¹ *I.C.*, 36-10-2-2, authorizes cities to establish and maintain park facilities.

² *I.C.*, 36-4-9-4 (c) (5) authorizes the establishment of a Department of Parks and Recreation.

³ *I.C.*, 36-10-3-13, addresses the appointment and qualifications of Superintendents.

⁴ *I.C.*, 36-10-3-14, sets forth the duties of the Superintendent of Parks and Recreation.

(b) The Petty Cash Fund for the Parks and Recreation Department is addressed in Sec. 2-95 (a) (8) of this Code.

(c) The Petty Cash Fund for the Pool Manager is addressed in Sec. 2-95 (a) (12) of this Code.

(d) The four (4) Special Nonreverting Capital Funds for the use by the Greenwood Department of Parks and Recreation are addressed in Sec. 2-97 of this Code.

(e) The Pool Manager in the Parks and Recreation Department is permitted to have a cash change fund as addressed in Sec. 2-93 (b) of this Code.

Sec. 5-6 through 5-9 Reserved for Future Use.

****Pages 363 - 366 Reserved for Future Use.**

ARTICLE 2. PARK RULES AND REGULATIONS.**Sec. 5-10 Violation of Rules.**⁵

It shall be unlawful for any person to violate any rule or regulation promulgated by the Park and Recreation Board. (*1983 Greenwood Municipal Code*, § 11-2)

Sec. 5-11 Hours When City Parks are Open to the Public; Unlawful Entry.

(a) During the summer season from May 1 to October 31, Craig Park shall be open to the public from 7:00 A.M. until 11:00 P.M. and all other parks shall be open to the public from 7:00 A.M. until 10:00 P.M.

(b) During the winter season from November 1 until April 30, all parks shall be open to the public from dawn until dusk, except that parking areas may be closed to vehicular traffic by locked gates.

(c) Upon written order of the Greenwood Park and Recreation Board or on special occasions, the hours set forth in subsections (a) and (b) may be changed and fixed generally different from such specified hours.

(d) No person, other than an employee of the City in the course of his employment, shall be in or remain in any park during any time that it is closed. (Ord. No. 87-61, § 1, 2-4-88)

Sec. 5-12 Animals in the City Parks Generally.

(a) No person who owns, possesses or is in control of a dog shall permit such dog to be in any public park without a leash or allow such dog to run at large.

(b) No person shall ride, lead or drive a horse, mule or pony or allow any other beast of burden on any public park property except as may be provided by the Greenwood Park and Recreation Board. The Greenwood Park and Recreation Board shall evaluate each request for the use of horses, ponies and/or mules on Park property on a case by case basis, and, may, at its discretion, allow horses, ponies and/or mules on Park property, provided permission is granted in advance by formal action of the Greenwood Park and Recreation Board, and subject to any terms, conditions, restrictions and limitations determined necessary and required by the Board. (Ord. No. 87-61, § 2 (11-4), 2-4-88; Ord. No. 00-24, § 1, 7-17-2000)

⁵ I.C., 36-10-3-10 (a)(2), addresses the power of Park and Recreation Board to establish rules governing the use of park and recreation facilities by the public.

Sec. 5-13 Liquor in the City Parks.

No person shall bring, drink, consume or possess intoxicating beverages in or on the premises of any public park or property under the jurisdiction and control of the Department of Parks and Recreation, and any one doing so shall be subject to the General Penalty Provisions of Section 1-13 of this *Code*. (Ord. No. 87-61, § 2 (11-5), 2-4-88)

Sec. 5-14 Bicycles; Skateboards and Roller Skating in the City Parks Generally.

(a) No person shall ride or operate a bicycle in any public park except on park roadways, pathways and parking areas.

(b) No person shall ride or in any manner operate a skateboard or bicycle or ride roller skates on the tennis courts and basketball courts, in any public park.

(c) No person shall roller skate or ride a bicycle or skateboard without reasonable regard to the safety of himself/herself or of others in any public park or other property under the jurisdiction and control of the Department of Parks and Recreation. (Ord. No. 87-61, § 2 (11-6), 2-4-88)

Sec. 5-15 Loitering in the Parking Lots of the Pools and Parks.

No person or group shall congregate and loiter in the parking lots of the pool and parks area when such persons or groups are not there to use or enjoy the pool or park facilities. (Ord. No. 87-61, § 2 (11-7), 2-4-88)

Sec. 5-16 Sales and Sports Tournaments Within the City Parks.

(a) No person or group shall sell, offer for sale or barter any goods, wares or merchandise of any kind whatsoever in any public park or facility without first having obtained the written consent of the Greenwood Park and Recreation Board.

(b) No person or group shall use park properties or facilities for sports tournaments of any kind whatsoever without first having obtained the written consent of the Greenwood Park and Recreation Board. (Ord. No. 87-61, § 2 (11-8), 2-4-88)

Sec. 5-17 Vehicles in General in the City Parks.⁶

(a) No person shall operate a motor vehicle or motorcycle in any public park except on park roadways and parking lots.

(b) No person shall operate a motor vehicle, motorcycle, moped or bicycle at speeds exceeding ten (10) miles per hour on the park roadways.

(c) No person shall operate, drive, or park a motor vehicle or truck weighing over five tons (10,000 lbs.) on the park roadways or parking lots.

(d) No person shall park a motor vehicle or motorcycle except in designated parking areas in the public parks. (Ord. No. 87-61, § 3, 2-4-88)

Sec. 5-18 Limiting Access of Persons Required to and or Listed on the Indiana State Sex Offender Registry, Persons Convicted of Sex-Related Crimes, Persons Convicted of Indecent Acts, and Persons Convicted of Dealing in Controlled Substances to Certain Park Facilities and Playground Areas

(a) It shall be unlawful for any person deemed to be an offender against children and required to register under IC 5-2-12 or who has been found by a court to be a sexually violent predator under IC 35-38-1-7.5, or the law of any jurisdiction that identifies the person as being likely to repeatedly commit a sex offense, or who has been convicted of one (1) or more of the following offenses: (Ord. 06-39, §1, 12-4-06)

- (1) Rape (IC 32-42-4-1)
- (2) Criminal deviate conduct (IC 35-42-4-2)
- (3) Child molesting (IC 35-42-4-3);
- (4) Child Exploitation (IC 35-42-4-4(b));
- (5) Vicarious sexual gratification in the presence of a minor (IC 35-42-4-5);
- (6) Child Solicitation (IC 35-42-4-6);
- (7) Child seduction (IC 35-42-4-7);
- (8) Sexual battery (IC 35-42-48);
- (9) Sexual misconduct with a minor (IC35-42-4-9);

⁶ I.C., 9-4-1-27 and I.C., 9-4-1-28, authorize the City to regulate traffic in parks.

- (10) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age;

- (11) Public indecency; indecent exposure (IC 35-45-4-1);
- (12) Public nudity (IC 35-45-4-1.5);
- (13) Prostitution (IC 35-45-4-2);
- (14) Patronizing a prostitute (IC 35-45-4-3);
- (15) Voyeurism (IC 35-45-4-5);
- (16) Dealing in cocaine or narcotic drug (IC 35-48-4-1)
- (17) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (18) Dealing in a schedule IV controlled substance (IC 35-48-4-3);
- (19) Dealing in a schedule V controlled substance (IC 35-48-4-4); or
- (20) An offense in another jurisdiction that is substantially similar to an offense described in subsections (1) through (19);

to be within or upon any municipally-owned public park, park playground, recreation center, swimming or wading pool, sports field or facility, or pathway or trail within a municipally-owned park within the City of Greenwood. However, this section shall not apply to any person whose name has been removed from the registry by act of a court or by expiration of the term such person is required to remain on the registry pursuant to IC 5-2-12, or to any person who is within or upon such property for the purposes of attending any electoral polling place for the purpose of voting, or campaigning for any candidate for political office at such electoral polling place, or attending an organized gathering for a political purpose. (Ord. 06-39, §1, 12-4-06)

(c) A person who violates any provision of Sec. 5-18 (a) or (b) shall be guilty of an infraction punishable by:

- (1) A fine of \$500 for a first violation;
- (2) A fine of \$1,000 for a second violation within one (1) year;
- (3) A fine of \$2,500 for each additional violation within one (1) year.
- (4) Penalties shall be processed through the Greenwood City Court, in accordance with I.C. 33-36-2-3.
- (5) If, after multiple violations by the same person, the Greenwood City Attorney and the Greenwood Police Department have reasons to believe that the imposition of fines will not be effective in enforcing this Section, the City Legal Department shall be empowered to seek any other remedies provided by law.

- (6) Fines under this Section shall not apply when the prohibited conduct is the subject of a new criminal offense under any applicable state or federal statute or when the prohibited conduct is the basis for the revocation of any condition of parole or probation.

(d) If any subsection, sentence or provision of this Section, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are declared to be severable. (Ord. 06-39, §1, 12-4-06)

Sec. 5-19 through 5-29 Reserved for Future Use.

****Pages 372 - 380 Reserved for Future Use**

ARTICLE 3. PENALTIES.

Sec. 5-30 Civil Penalties.

(a) Anyone violating for the first time within a calendar year provisions of this Chapter shall be subject to a civil penalty of fifteen dollars (\$15.00) for each violation.

(b) Said civil penalties shall be payable through the Ordinance Violations Bureau.

(c) Subsequent admissions or judgments within the same calendar year shall be subject to the civil penalties set forth in Sec. 2-32 of this *Code*.

Sec. 5-31 through 5-34 Reserved for Future Use.

****Pages 382 - 385 Reserved for Future Use****

ARTICLE 4. MISCELLANEOUS PROVISIONS.**Sec. 5-35 Nine (9) Greenwood City Parks.**

The City of Greenwood owns and operates the following City Parks:

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|---------------------------|---------------------------|
| (a) Craig Park, | 10 East Smith Valley |
| (b) Northeast Park, | 100 Crestview Drive |
| (c) Northwest Park, | 1300 Fry Road |
| (d) Old Park, | 304 South Meridian Street |
| (e) Point Park, | 700 South Madison Avenue |
| (f) Pool Park, | 415 Lincoln Street |
| (g) Westside Park, | 820 West Main Street |
| (h) Northwest Park Annex, | 1500 Fry Road |
| (i) Woodman Park, | Ashmore Drive |

Sec. 5-36 Reasonable Fees.

Insofar as possible, Park and Recreation facilities and programs shall be available to the public free of charge; but where necessary in order to provide a particular activity, the Park and Recreation Board may charge a reasonable fee. (Ord. No. 75-25, §1, 12-15-75).

Sec. 5-37 Monthly Deposits.

Monies procured from such activities shall be deposited at least once each month with the Clerk-Treasurer of the City of Greenwood, Indiana. (Ord. No. 75-25, §2, 12-15-75).

Sec. 5-38 Athletic Recreation Fund.

The Clerk-Treasurer shall deposit such monies in a special non-reverting operating fund designated as "Athletic and Recreation Fund" (*See also* Sec. 2-91, *Code*; Ord. No. 75-25, §3, 12-15-75).

Sec. 5-39 Expenditures

Expenditures may be made from the Athletic and Recreation Fund without appropriation. (Ord. No. 75-25, §4, 12-15-75).

Sec. 5-40 Exceptions.

Monies in the form of fees procured from golf courses, swimming pools, skating rinks or other similar facilities requiring major expenditures for management and maintenance shall not be deposited in this fund. (Ord. No. 75-25, §5, 12-15-75).

Sec. 5-41 Claims.

Monies from the Athletic and Recreation Fund shall be disbursed only on approved claims allowed and signed by the President and Secretary of the Park and Recreation Board of the City of Greenwood, Indiana. (Ord. No. 75-25, §6, 12-15-75).

Sec. 5-42 through 5-50 Reserved for Future Use.

****Pages 388 through 408 Reserved for Future Use.**